IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 6154 of 2006(G)

PETITIONER:

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1. SOCIETY OF MARINE BIOLOGISTS (SOMB),
   DEPARTMENT OF MARINE BIOLOGY, MICRO BIOLOGY &
   BIO CHEMISTRY, COCHIN UNIVERSITY OF SCIENCE AND
   TECHNOLOGY, KOCHI, REPRESENTED BY ITS
   GENERAL SECRETARY, SEVEN.S.

2. DR. NAJMUDEEN T.M.,
   AGED 33, S/O. LATE T.K.MOHAMED, THEPARAMBIL HOUSE,
   LOKAMALESWARAM, KODUNGALLUR, THRISSUR DISTRICT.

3. ABEESA P.A., AGED 28,
   PARUTHIKKAL HOUSE, THRIKKAKARA, ERNAKULAM.

4. PRABHAKARAN M.P., AGED 31,
   METHALPARAMBATH HOUSE, P.O. ANIYARAM,
   CHOKLI, KANNUR.

5. PADMAKUMAR K.B., AGED 31,
   S/O. K.K.BALAKRISHNAN, KUNATHKOLICKAL HOUSE,
   PATTIKATTU, THRISSUR.

6. MADHUPAL, AGED 33,
   PULLAMPILIL HOUSE, AIMURY P.O., KOOVAPADY,
   PERUMBAVOOR.

7. NOUSHAD KHAN K., AGED 29,
   MITTAIPURA, KALLUMTHAZHAM, KILIKOLLOOR, KOLLAM.

8. GEETHA P., AGED 43,
   CHERUPARAMBIL HOUSE, VALLOOR ROAD,
   POONITHURA, KOCHI.

9. ANUPAMA NAIR P.R., AGED 28,
   HARIPRIYA, KADALOOR, KOZHIKODE.

10. JAYARAJ K.A., AGED 30,
KADEPARAMBIL HOUSE, SREEKRISHNA TEMPLE ROAD,
KUMBALANGI P.O., KOCHI.

BY ADV. SRI.M.L.SAJEEVAN

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY SECRETARY (EDUCATION),
THIRUVANANTHAPURAM.

2. KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS CHAIRMAN, P.S.C. BHAVAN,
PATTOM, THIRUVANANTHAPURAM.

3. GOVERNMENT VOCATION HIGHER SECONDARY
EDUCATION, REPRESENTED BY ITS DIRECTOR,
THIRUVANANTHAPURAM.

* 4. DR.GIJO ITOOP,
RAMANATTHU, DEVANKULANGARA,
EDAPPALLY PO, KOCHI-24.

5. MANJU K.G., CHOORNAKOTTAYIL,
KOONAMTHAI, EDAPPALLY,
KOCHI-24.

6. SHYLA G., PANCHAVADI,
PONNEZHA, THEKKEKARA PO.,
MAVELIKKARA-7.

7. SOPHIA MARGARET JOSEPH,
'SOUBHAGYA', MARUTHODI,
KOLLAM-691 003.
(IMPLEADED AS ADDL. RESPONDENTS 4 TO 7
AS PER ORDER DT.28.3.06)

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
SRI.PIRAPPANCODE V.S.SUDHIR FOR R4 TO R7

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS:

P1 EXPERIENCE CERTIFICATE DT 28.2.03.

P2(A) APPOINTMENT ORDER DT.5.12.05.

P2(B) APPOINTMENT ORDER DT.18.1.03.

P3 RELEVANT EXTRACT OF APPLICATION DT.23.10.04.

P4 EXTRAORDINARY GAZETTE DT.4.4.94.

P5 EXTRACT OF MATHRUBHUMI DAILY DT.27.2.06.

P6 HALL TICKET.

P7 ENDORSEMENT MADE BY PSC DT.2.3.06.

P8 PRINT OUT FROM THE WEBSITE OF PSC.

RESPONDENT'S EXHIBITS:

R4(A) RELEVANT EXTRACT OF G.O. DT.30.3.91.

R4(B) RELEVANT EXTRACT OF KERALA VOCATIONAL HIGHER SECONDARY EDUCATION STATE SERVICE RULES, 04.

R4(C) LETTER DT.5.7.99

R4(D) PAGE 158 OF THE SYLLABUS.

R4(E) PAGE 173 OF THE SYLLABUS.

R4(F) PAGE 188 OF THE SYLLABUS.

R4(G) PAGE 210 OF THE SYLLABUS.

TRUE COPY

P.A. TO JUDGE

CR

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 6154 OF 2006 G

Dated this the 21st day of November, 2006

J U D G M E N T

The writ petition is filed for direction to the respondents to permit the petitioners to write the test for recruitment to the post of Vocational Teacher in Fisheries. According to the petitioners, petitioners who have post graduate degree in Marine Biology are entitled to write the test. Eventhough test is over, the writ petition survives because petitioners pray for a declaration that they are entitled to participate in test conducted for selection to the same post in the future. Counsel appearing for the 4th respondent referred to the qualification for selection contained in Ext.R4(b), which prescribes the qualification for selection to the post of teacher in Fisheries as follows:

Vocational Teacher in Fisheries (Fish Processing Technology)	*By Transfer* *or* *By direct recruitment*	*Degree in Fisheries Science with not less than 60% marks awarded by the Kerala Agricultural University or a qualification recognised as equivalent thereto:* *OR* *M.Sc. Degree in Industrial Fisheries with not less than 50% marks from any of the recognised Universities.*

Petitioners admittedly are not degree holders in Fisheries Science or M.Sc degree holders in Industrial Fisheries. Therefore, the only question to be considered is whether their degree is equivalent to the degree in Fisheries Science. The counsel for the 2nd respondent contended that the degree in Fisheries Science itself is qualified with the further condition that such degree

should be obtained from Kerala Agricultural University, where the course conducted is 4 year integrated course covering all fields of Fisheries Science. Therefore, according to him, M.Sc Marine Biology, which is the 2 year course after taking degree either in Botany or Zoology, is not a course equivalent to the degree in Fisheries Science. On going through the special Rules, it is seen that the work of the teacher in Fisheries is to train in "Fish Processing Technology". Obviously, petitioners with their two year learning in Marine Biology which deals with marine life after taking a degree in either Botany or Zoology will not give them any exposure to fish processing technology, which is an integral part of the Fisheries Science. The other alternate qualification is M.Sc degree in Industrial Fisheries, which is the science dealing with preservation, processing and marketing of fish as part of fishing as an industry.

In the circumstances, I do not think there is any need to go into the further details of the academic curriculum of the relative courses because without any difficulty it can be concluded two year post graduate course in Marine Biology is not equivalent to the 4 year integrated course in Fisheries Science. In other words, the qualification prescribed for the job is oriented to suit the requirements of fishing industry and not pure science like Marine Biology. In the circumstances, petitioners are not entitled to the relief prayed for. The writ petition is dismissed.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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